

Application No. 10/761,987  
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## **REMARKS**

Claims 1, 4-6, 8, 10, 12, 19-26, 34-39 and 41-67 have been cancelled. New Claims 68-70 have been added. Claims 2, 3, 7, 9, 11, 13-18, 27-33, 40 and 68-70 remain in the application. Applicant asserts that no new matter has been added. Reconsideration of the Application is hereby requested.

## **Claim Rejections**

### ***Rejections Under 35 U.S.C. § 112***

Claims 2, 6, 10, 17, 21, 25, 32, 36, 39, 46, 50, 53, 62 and 66 were rejected under 35 U.S.C. § 112, as being indefinite.

Applicant has cancelled Claim 6, 10, 21, 25, 36, 39, 46, 50, 53, 62 and 66, thereby rendering this rejection moot with respect to these claims.

Regarding Claims 2, 17 and 32, Applicant has amended these claims (and the base claims from which they depend) to make clear that the user information being referred to is the user information acquired from the registration window displayed to the user. Therefore, it is believed that this rejection has been overcome and Applicant respectfully requests that it be withdrawn.

### ***Rejections Under 35 U.S.C. § 102***

Claims 1, 2, 4, 7-10, 12-15, 17, 19, 22-25, 27-30, 32, 34, 37-39, 41-44, 46, 48, 51-58 and 63-66 were rejected under 35 U.S.C. § 102(b), as being anticipated by anticipated by Brierley et al US Pub No: US 2002/0161779 A1.

Applicant has cancelled Claims 1, 4, 8, 10, 12, 19, 22-25, 34, 37-39, 41-44, 46, 48, 51-58 and 63-66, thereby rendering this rejection moot with respect to these claims.

Regarding the claims depending from cancelled Claims 1 and 12, Applicant has amended

the claims depending therefrom to depend from new Claims 68 and 69 (through Claim 70), respectively. Applicant believes that new Claims 68 and 69 are not anticipated by Brierley for the reasons set forth below.

Brierley discloses a system for populating and analyzing a consumer profile database in which a promoter selects a group of consumers based on the analysis and provides a promotion to the group on behalf of a sponsor (advertiser). Data regarding the response to the promotion is collected and used to enrich the database for future promotions. (*See, e.g., Brierley, [Abstract]*)

Claim 27 recites limitations in which an advertiser compensates a promoter for receiving advertising leads based on a prediction of the value of each lead. The system calculates the billing rate for each lead based on a discount from a maximum value per lead. The discount is the product of the maximum value times an objective factor that indicates the quality of the lead, based on past experience. Essentially, the invention recited in Claim 27 employs a predictive model indicating the probable success of a lead to determine the compensation charged to the advertisers. For example, statistical data indicates that if the lead is generated from a publication such as the Wall Street Journal Web site, the user is more likely to be interested in purchasing the advertised product than if the lead is generated from a gossip Web site. Therefore, leads generated from the Wall Street Journal Web site will be discounted less than leads generated from a gossip Web site. Similarly, past experience has shown that a person who inputs user information without errors is more likely to purchase an item than one whose personal information includes errors. Thus, leads without errors are billed at a higher rate than those with errors. Claim 27 recites limitations that are directed to a method of compensation based on a predictive model that sets the billing rate using a prediction of purchase likelihood based on past experience with similar leads.

Brierley, on the other hand, discloses a system in which the promoter is compensated by the advertiser “based on the number of actual purchases referred by the promotion operator....” (Brierley, ¶[0055]) Thus, Brierley compensates the promoter based on actual sales, determined *after* presentation of the advertisement, not a predictive model of the likelihood of future success

of the advertisement as used in the present invention. Brierley completely fails to disclose a system in which the promoter is compensated based on a predictive model of future success, as recited in Claim 27. Therefore, it is believed that Claim 27 and all of the claims depending therefrom are allowable.

New Claim 68 recites limitations directed to receiving target criteria from a *plurality* of advertisers, selecting users that meet the criteria for each advertiser and displaying an opt-in window to the user that lists only the advertisers for which the user meets their criteria. The user then selects the advertisers listed in the opt-in window that he or she desires more information from and then the system transfers user information received from the user to the advertisers selected by the user. These limitations are completely absent from Brierley.

The Brierley system is directed to a system in which a promoter generates a promotion for a single advertiser. (Brierley, ¶[0055]) Nowhere does Brierley disclose a system that evaluates a user as a candidate to receive information from a plurality of advertisers and that allows the user to select desired advertisers. Also, Brierley does not disclose the sending of the user information from the promoter to the selected advertisers, as recited in Claim 68.

The advertiser benefits from the invention recited in new Claim 68 because it receives only information about users who both meet the criteria of the advertiser and have indicated a desire to receive more information about a specific advertiser. Users benefit from the invention because they receive information only from advertisers about which they are interested. This complex user filtering method recited in Claim 68 is completely absent from Brierley. Therefore, it is believed that Claim 68 and all of the claims depending therefrom are allowable.

New Claim 69 recites limitations directed to an on-line advertising system in which only a subset of the user information is received from a Web server prior to a determination that the user meets an advertiser's criteria. Once the system determines that the user meets the advertiser's criteria, then the complete set of information is transferred to the system from the Web server. This embodiment provides added security to a user who has entered personal information onto the system by ensuring that only the information about the user that is

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necessary to evaluate whether the user meets the advertiser's criteria is sent initially to the system and that the system receives the complete set of user information only for users who are likely candidates for opting in to receiving information from a specific advertiser.

This feature is completely absent from Brierley. Therefore Applicant believes that Claim 69, and all claims depending therefrom are allowable.

***Rejections Under 35 U.S.C. § 103***

Claims 3, 5, 6, 16, 18, 20, 21, 31, 33, 35, 36, 45, 47, 49, 50, 59, 61 and 62 were rejected under 35 U.S.C. § 103(a), as being unpatentable over

Applicant has cancelled Claims 5, 6, 20, 21, 35, 36, 45, 47, 49, 50, 59, 61 and 62, thereby rendering this rejection moot with respect to these claims.

Applicant believes that the amendments to the independent claims overcome this rejection with respect to all remaining claims for the reasons discussed above with respect to the §102(b) rejection.

**Prior Art Made of Record**

In addition to the remarks presented above, Applicant asserts that the remaining prior art made of record neither anticipates, nor renders obvious the claimed invention.

**CONCLUSION**

Applicant believes that the rejections have been overcome for the reasons recited above. Therefore, Applicant respectfully requests that all remaining claims be allowed and that a timely Notice of Allowance be issued.

No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time,

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which are hereby requested, to Deposit Account No. 503535.

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Date



Bryan W. Bockhop  
Registration No. 39,613

**Customer Number: 25854**

Bockhop & Associates, LLC  
2375 Mossy Branch Dr.  
Snellville, GA 30078

Tel. 678-919-1075  
Fax 678-609-1483  
E-Mail: [bwb@bockpatent.com](mailto:bwb@bockpatent.com)